

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Willie Vaughn,	)	Case No. 7:13-cv-02589-GRA-JDA
	)	
Plaintiff,	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	<b><u>OF MAGISTRATE JUDGE</u></b>
v.	)	
	)	
Smithfield and Wilson Casing Packing,	)	
	)	
Defendants.	)	
	)	

This matter is before the Court on a motion to dismiss filed by Plaintiff.\* [Doc. 32.] Plaintiff is proceeding pro se. [Doc. 1.] Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., this magistrate judge is authorized to review pretrial matters and to submit findings and recommendations to the District Court.

**DISCUSSION**

On December 27, 2013, Plaintiff filed a motion to dismiss the case because he plans to file the case in North Carolina. [Doc. 32.] Under the Federal Rules of Civil Procedure, a plaintiff may request the court to dismiss his action. Fed. R. Civ. P. 41(a)(2). The court may dismiss the action “on terms that the court considers proper.” *Id.* Here, because Plaintiff plans to file his case in North Carolina and Defendant Smithfield has challenged the Court’s jurisdiction over it and moved to dismiss or transfer venue to the Eastern District of North Carolina [Doc. 27-1], the Court recommends Plaintiff’s motion be granted.

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\*Also pending before the Court is a motion to dismiss and/or to transfer venue and/or for a more definite statement filed by Defendant Smithfield. [Doc. 27.]

**CONCLUSION**

Wherefore, based upon the foregoing, the Court recommends that Plaintiff's motion to dismiss be GRANTED and Defendant Smithfield's motion to dismiss be FOUND AS MOOT.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, appearing to read "Joseph D. Austin". The signature is written in a cursive, flowing style.

United States Magistrate Judge

January 3, 2014  
Greenville, South Carolina